

Appendix E – SEPP(Affordable Rental Housing) 2009, Part 2 Division 1 In-fill Affordable Housing

(Prior to 2011 Amendment. See Report for relevant provisions of Amendment 2011)

Cl.	Dev't Standard	Requirement	Proposal	Yes/No
10	Land to which Division applies	<p>Within any of the following land use zones or zone that is equivalent, but only if development for the purposes of dwelling houses, multi-dwelling housing or residential flat buildings is permissible within the zone:</p> <p>R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential.</p> <p>All or part of the development site is to be within: 800 metres walking distance of a railway station or a wharf (ferry service), or 400 metres walking distance of a light rail station, or 400 metres walking distance of a bus stop used by a regular bus service that has at least one bus per hour servicing the bus stop between 06.00 and 18.00 each day from Monday to Friday (both days inclusive).</p>	<p>Site is zoned 2(a), which is an equivalent zone to R2 Low Density Residential and permits dwelling houses.</p> <p>A bus stop is located on Wilfred Barrett Drive, approximately 45 metres to the south of the site. Buses are run by the Red Bus Company with one bus per hour servicing the bus stop between 6am and 6pm Monday to Friday. Bus timetables and maps are included in Appendix F</p>	<p>Yes</p> <p>Yes</p>
11	Development to which Division applies	<p>Development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings where at least 50% of the dwellings in the proposed development will be used for affordable housing, but only if:</p> <p>(i) the development does not result in a building on the land with a building height of more than 8.5 metres, and</p> <p>(ii) in the case of development for the purposes of a residential flat building—residential flat buildings are not permissible on the land otherwise than because of this Policy.</p>	<p>The development proposes a residential flat building with 50% of the dwellings being for affordable housing.</p> <p>Maximum height of 8.5 m is proposed.</p> <p>Residential flat buildings are not permissible in the 2(a) zone under WLEP 1991 and therefore this division applies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
12	Development may be carried out with consent	Development to which this Division applies may be carried out with consent.	The proposal is permissible with consent, despite the prohibition under WLEP 1991.	Yes
13	Residential flat buildings where such buildings permissible	Not Applicable	See above.	N/A
14	Standards	A consent authority must not refuse		

	<p>that cannot be used to refuse consent</p>	<p>consent to on any of the following grounds:</p> <p>density and scale If the density and scale of the buildings when expressed as a floor space ratio are not more than the higher of: (i) the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which it is proposed to carry out the development, or (ii) 0.75:1, and</p> <p>site area if the site area on which it is proposed to carry out the development is at least 450 square metres,</p> <p>landscaped area (i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or (ii) in any other case—at least 30 per cent of the site area is to be landscaped,</p> <p>deep soil zones if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed: (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and (ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p> <p>solar access if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p> <p>General A consent authority must not refuse</p>	<p>FSR for 2(a) zone is 0.5:1. The proposed development has a FSR of 0.5:1 and therefore complies with (i) and (ii). <i>*Note FSR provisions overridden by amendments to SEPP. Refer to report.</i></p> <p>Site area is 6266 m².</p> <p>N/A</p> <p>1879.8m² of landscaped area is required based on 30% of the site area. 1999m² of landscaped area is proposed.</p> <p>940m² of deep soil zone required.</p> <p>>1150m² provided, with 75% being located at the rear of the site.</p> <p>33 (or 78%) dwellings achieve 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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		<p>consent to development to which this Division applies on any of the following grounds:</p> <p>(a) parking if: (i) in the case of a development application made by a social housing provider—at least 1 car space is provided for each 5 dwellings, or (ii) in any other case—at least 0.5 car spaces are provided for each dwelling,</p> <p>(b) dwelling size if each dwelling has a gross floor area of at least: (i) 35 square metres in the case of a bedsitter or studio, or (ii) 50 square metres in the case of a dwelling having 1 bedroom, or (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.</p>	<p>27 spaces required. 57 spaces proposed.</p> <p>1 bedroom units = 59.5m² 2 bedroom units = 72m² to 77.6m².</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
15	Design requirements	must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development, to the extent that those provisions are consistent with this Policy.	See Appendix G	
16	Continued application of SEPP 65	Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.	N/A as the development is only 2 storeys in height.	N/A
17	Must be used for affordable housing for 10 years	<p>A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate: (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in</p>	Conditions can be imposed, should consent be granted. The Application included a letter of support from a registered housing provider.	Yes

		accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.		
18	Subdivision	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	The development application does not propose subdivision.	N/A